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JF 1998 ballot issue guidelines book

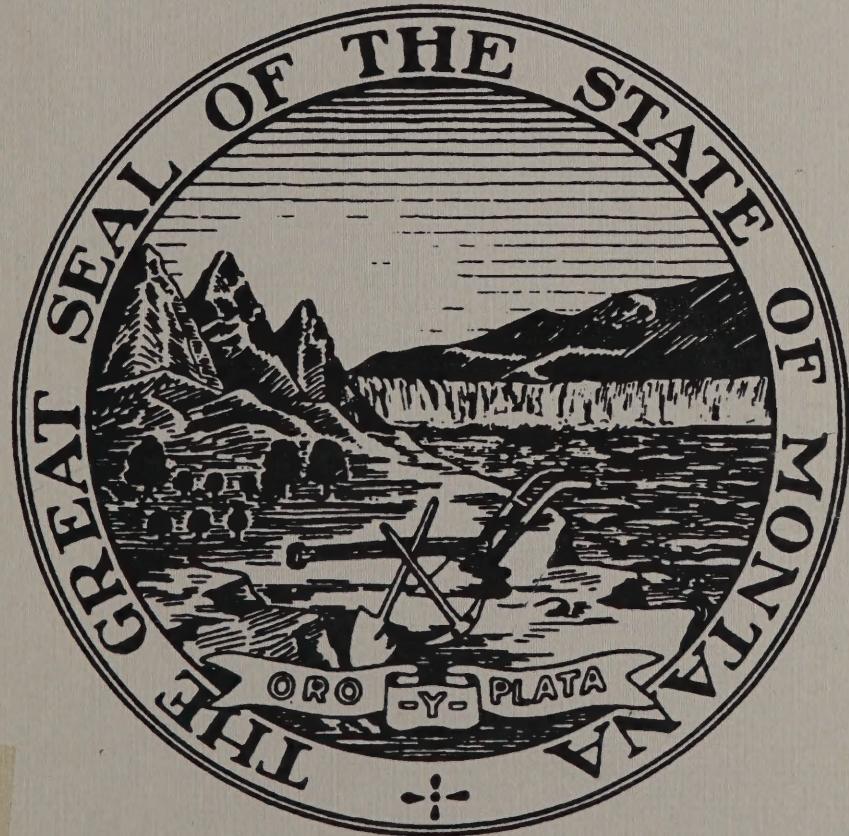
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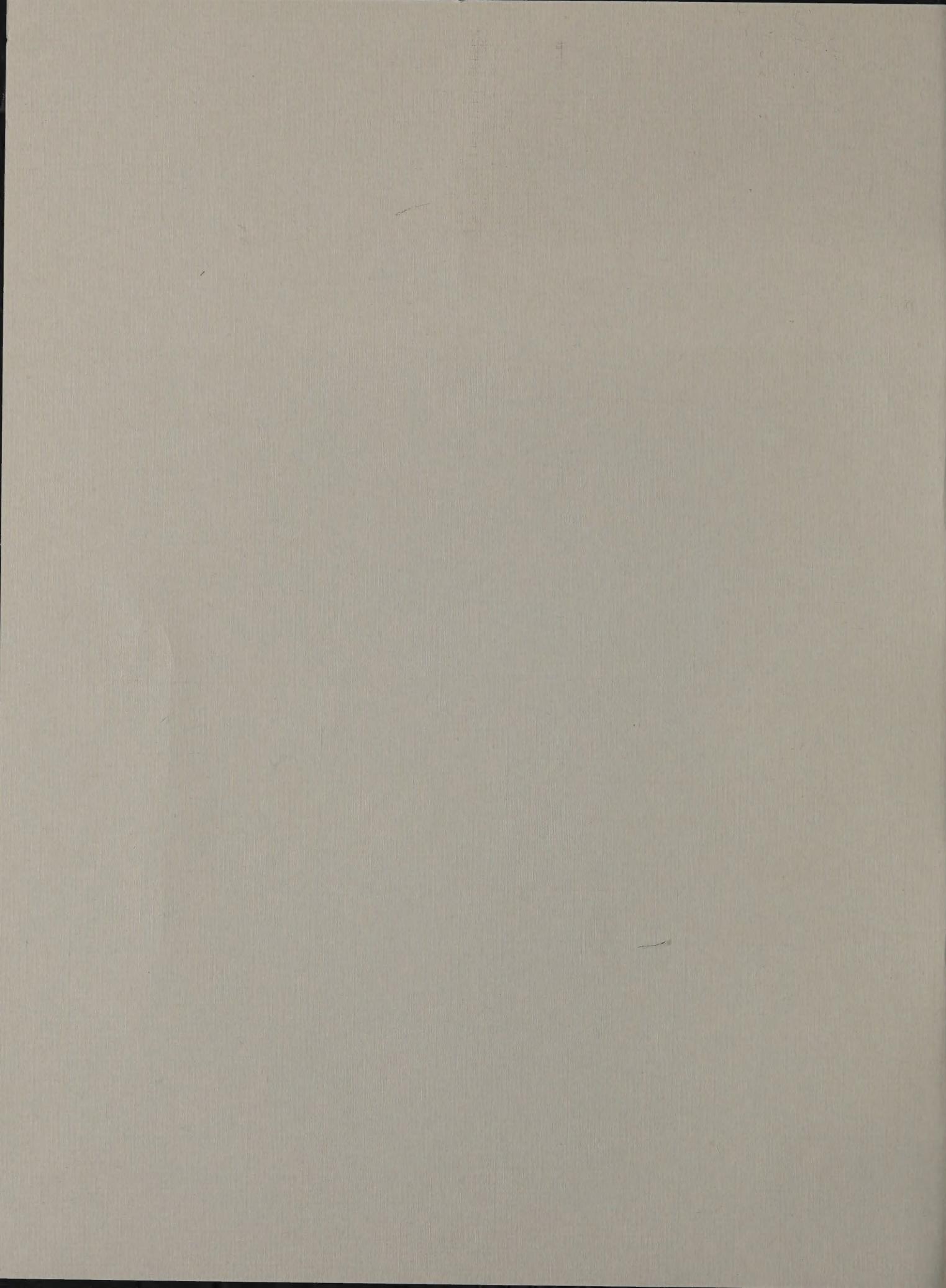


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BALLOT ISSUE GUIDELINES BOOK



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1998



SECRETARY OF STATE

STATE OF MONTANA



Mike Cooney
Secretary of State

1998
Montana State Capitol
PO Box 202801
Helena, MT 59620-2801

Dear fellow Montanan:

Our government is based on representative democracy...voters choose their leaders and expect that they will represent them in their schools, courthouse, statehouse, Congress, and the White House.

In Montana we have also retained a more direct form of government, the initiative. As a voter, you have the right to petition for a change in Montana's Constitution or its laws.

The rights of Montanans to initiatives and referenda have a long and healthy history. The first "ballot measure" voted on by Montanans was our 1889 Constitution. The first initiative was in 1912.

You may be planning to propose a ballot issue yourself. If you are, this guide book should assist you in your venture. The steps needed to gain ballot access for ballot issues are outlined in detail. Sample petitions and the law itself are included as well.

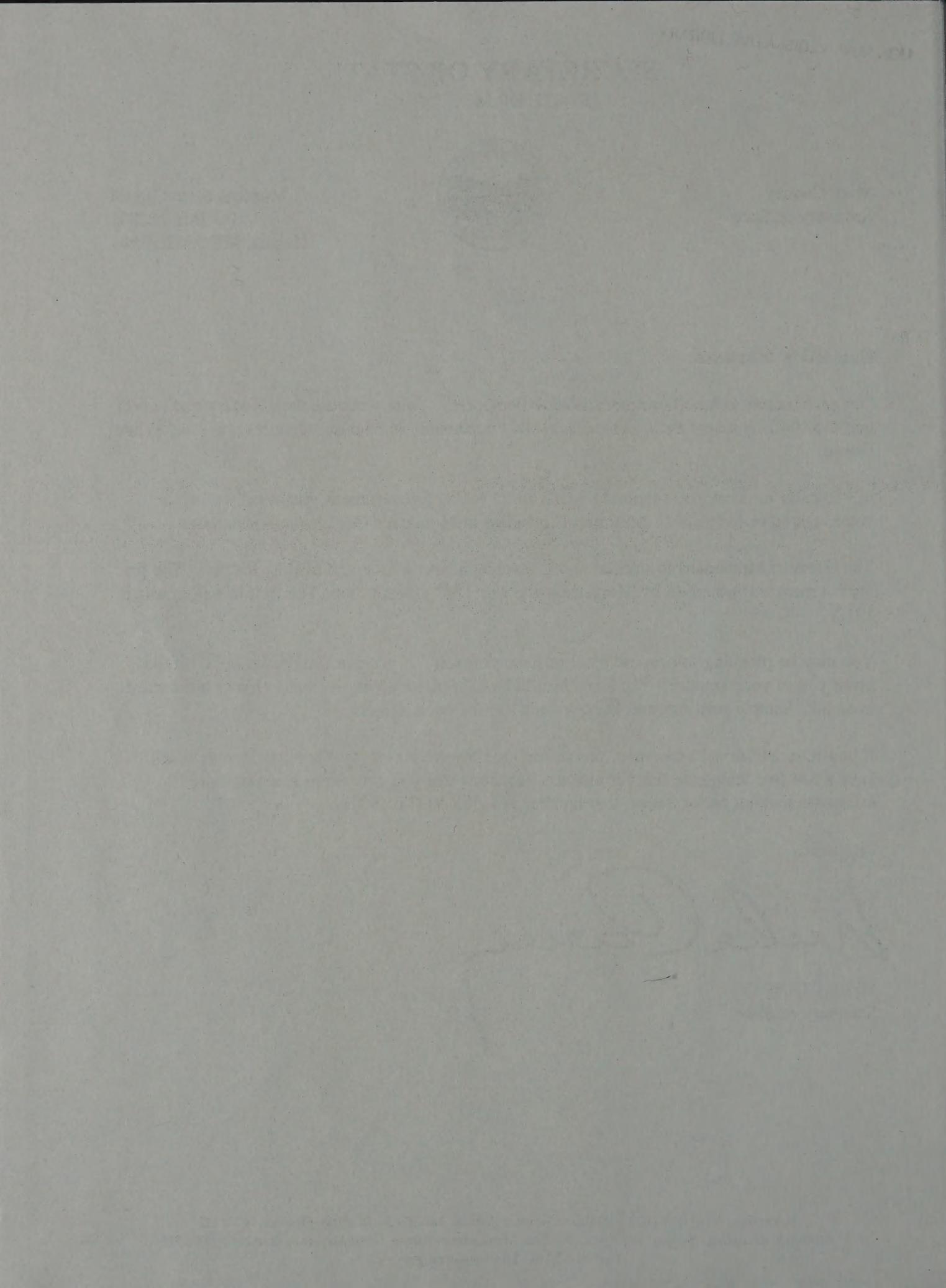
If you need additional assistance, please feel free to give me or my Elections Bureau a call. I have a toll-free telephone line for election questions that you can use to find out more information about ballot issues; that number is

1-888-884-VOTE (8683)

Sincerely,

A handwritten signature in black ink that reads "Mike Cooney".

MIKE COONEY
Secretary of State



Key steps in the ballot issue process

KEY STEPS IN THE BALLOT ISSUE PROCESS

GETTING STARTED . . . (details start on page 3)

1. An individual or group submits a proposed ballot issue to the Legislative Services for its review.
2. The Legislative Services reviews the proposal and makes recommendations to the issue's sponsor. The sponsor responds to the Services.
3. The sponsor submits the proposed ballot issue in petition form to the Secretary of State.
4. The Secretary of State forwards a copy of the proposal to the Attorney General and both agencies review the proposed ballot issue.
5. The Attorney General reviews the proposal; writes the explanatory statement and "for" and "against" statements; seeks a fiscal note, if necessary, from the Office of Budget and Program Planning, and forwards his approval or rejection of the issue, statements and a fiscal statement to the Secretary of State.
6. The Secretary of State reviews the Attorney General's material and notifies the sponsor of either the approval or rejection of the petition, or the conditional approval if there are only technical defects that must be corrected prior to final approval.
7. The sponsor makes corrections and changes, if required, to the petition and submits another copy to the Secretary of State for review.
8. Once all changes and corrections have been made, final approval of the petition is given, and the petition may be circulated to collect signatures.

COLLECTING SIGNATURES . . . (details start on page 7)

9. Circulated petitions with signatures are submitted to county election administrators in each county where signatures are gathered to be verified. The number of verified signatures along with the petitions are forwarded to the Secretary of State.
10. The Secretary of State tallies the number of signatures gathered and if enough signatures are gathered in a sufficient number of legislative districts, the issue is qualified to go on the ballot.

GUIDELINES FOR BALLOT ISSUES

MAKING THE ARGUMENTS . . . (details start on page 9)

11. Sponsors of qualified ballot issues form a committee to prepare arguments in support of the issue, and certain elected officials choose committee members to prepare arguments against the issue. Rebuttals of these arguments are also written by the opposing committees. These arguments, along with the text and form of the ballot issue, are printed in an information pamphlet that is sent to all Montana voters.

AFTER THE ELECTION . . . (details start on page 10)

12. If a ballot issue is adopted by the vote of the people, the measure becomes a part of the constitution or state law.

The ballot issue process

1998 Calendar for General Election Ballot Issues

This calendar outlines the **major** election events for the next election cycle of the ballot issue process. References in **bold** are to statutes. (See NOTE on page 2.)

- July 17, 1997 First day sample ballot issue petitions may be submitted to the Secretary of State. **13-27-202, MCA**
- Six months after adjournment Last day for referendum to be called on legislation passed in last session. **Article III, Section 5, Montana Constitution**
- Oct. 17, 1997 First day signatures on approved petitions may be submitted to election administrators. **13-27-301, MCA**
- June 19, 1998 Signatures due to Election Administrators for *all* ballot issues for certification; last day for withdrawal of signatures. **13-27-01, MCA**
- July 14, 1998 Appointment of committee members by designated officials. **13-27-403**
- July 17, 1998 Deadline for filing complete constitutional and statutory initiative petitions in the Secretary of State's office by county election administrator. **13-27-104, MCA**
- July 19 or within 5 days Secretary of State to notify committee members of deadlines **13-27-403, MCA**
- July 21, 1998 5:00 p.m. -- Committee arguments due to Secretary of State **13-27-406, MCA**
 Appointments by committee members to fill vacancies **13-27-403, MCA**
- July 31, 1998 5:00 p.m. -- Rebuttal arguments due to the Secretary of State **13-27-407, MCA**
- Oct. 20, 1998 Voter information pamphlets must be mailed to voters. **13-27-410, MCA**
- Nov. 3, 1998 **GENERAL ELECTION. 13-1-104, MCA**
- Nov. 23, 1998 State canvass of general election complete. **13-15-503, MCA**

GUIDELINES FOR BALLOT ISSUES

As you begin work on drafting a petition, the following outline of requirements and procedures should make your job easier. Be sure to review all of Title 13, Chapter 27 (included in the *Appendix*), for complete statutory provisions. If you are amending the Montana Constitution, review the appropriate sections of the Constitution (also included in the *Appendix*).

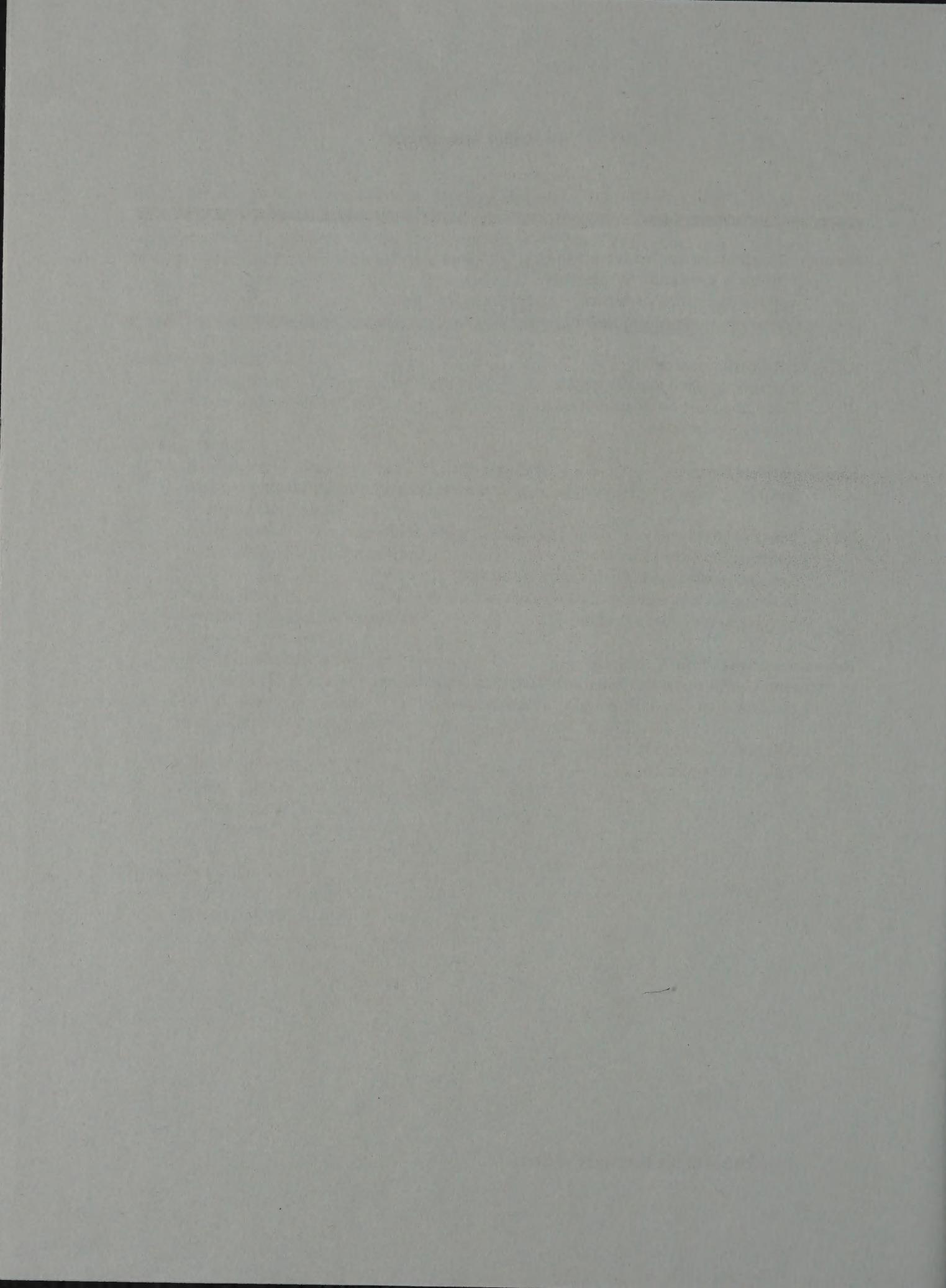
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The ballot issue process

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The ballot issue process

BEFORE YOU BEGIN ...

WHAT TYPES OF BALLOT ISSUES ARE THERE?

Initiative. An initiative is a proposal by petition to enact a new law by a vote of the people on any matter except the appropriation of money, or local or special laws.

Referendum. A referendum is a proposal by which the people, by their majority vote, can approve or reject a previously enacted statute, except an appropriation of money. A referendum may be originated by the legislature itself or by the people.

By the legislature. At the time a piece of legislation is considered, the legislature may, in its discretion, decide to have its action ratified by a vote of the people.

By the people. Anytime the legislature enacts a statute, the people may petition to refer such statute to a vote of the people.

If petitioners desire to render an enacted statute inoperative pending a vote, a referendum petition containing a greater number of signatures is required. If so suspended, the act becomes operative only after it is approved at an election.

Referendum petitions must be filed no later than six months after the adjournment of the legislature which passed the act.

Constitutional Amendment. A constitutional amendment is a proposal originated by either the legislature or the people to change the constitution.

By the legislature. Amendments may be proposed by any member of the legislature. They must be adopted by an affirmative vote of two-thirds of all the members in order to be submitted to the qualified electors.

By the people. Amendments may be proposed by initiative. If the petitions are signed by the required number of electors, the proposed amendment must be submitted to the qualified electors.

Constitutional Convention. A question on whether to hold an unlimited constitutional convention to revise, alter or amend the constitution may be originated by either the legislature or the people.

By the legislature. The legislature, by an affirmative vote of two-thirds of all the members, may at any time submit to the qualified electors the question of whether there will be a constitutional convention.

GUIDELINES FOR BALLOT ISSUES

By the people. The people may, by petition, direct the Secretary of State to submit to the qualified electors the question of whether there will be a constitutional convention.

WHEN IS THE ELECTION HELD?

Elections on all types of ballot measures proposed by petition are usually held with a statewide general election. Check the constitution and statutory references listed for specific provisions.

The ballot issue process

GETTING STARTED ...

SUBMISSION OF TEXT FOR REVIEW AND RECOMMENDATIONS

Before submission of the proposed petition to the Secretary of State, the text of the measure must be submitted to the Legislative Services for review. The Legislative Services staff will review the text as required.

Within 14 days after receiving the proposal, the Legislative Services staff must make recommendations for changes in the text or a statement that no changes are recommended. The person submitting the text must consider the recommendations and respond in writing to Legislative Services accepting, rejecting or modifying each recommended change. If no changes are recommended, no response is required.

The Legislative Services will furnish a copy of this correspondence to the Secretary of State, who will make a copy available to any person upon request.

SUBMISSION OF SAMPLE FORM FOR APPROVAL

Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the Secretary of State in the form in which it will be circulated. The sample petition may not be submitted to the Secretary of State more than 1 year prior to the final date for filing the signed petition with the Secretary of State.

The text of the petition submitted to the Secretary of State should be substantially the same as the text submitted to the Legislative Services. If it is substantially different, the proposed ballot issue could be rejected for not having been reviewed by the Legislative Services.

The Secretary of State refers a copy of the petition to the Attorney General for his approval. The Secretary of State and Attorney General must each review the petition for sufficiency as to form, approve or reject the form of the petition and state the reasons for rejection, if any.

The Attorney General must forward his or her comments to the Secretary of State within 21 days after receipt of the petition.

The Secretary of State will send written notice of the approval or rejection to the person who submitted the petition sheet within 28 days after submission. If the petition is approved, a printed sample copy of the petition to be circulated, containing the title and implication of the vote statements as prepared by the Attorney General, must be filed with the Secretary of State. If the petition has been rejected, reasons for rejection will be sent to the petition sponsor.

The Secretary of State may also give a petition "conditional" approval if the petition contains technical defects. Such defects must be corrected and a new petition submitted to the Secretary of State before final approval can be given. Signatures may *not* be collected until final approval is received.

GUIDELINES FOR BALLOT ISSUES

REQUIRED CONTENTS AND FORM OF PETITION

The Secretary of State will, upon written request, prepare the petition *form* for any sponsor. The sponsor must submit the ballot issue in petition form. The Secretary of State will return the completed sample petition to the sponsor, who must review the text for accuracy. If the sponsor chooses to modify the sample petition after it is received from the Secretary of State, the revised petition must be submitted to the Secretary of State for review.

If the sponsor wishes to compose his or her own petition form, it must follow the guidelines below.

Petition sheets may not exceed 8 1/2 x 14 inches in size. Separate sheets of a petition may be fastened together in sections of not more than 25 sheets each.

Sample sheets are shown in the *Appendix*. However, the following elements must be contained in the petition. (See 13-27-204 through 13-27-207, MCA.)

At the top of the petition must appear the statement:

**PETITION TO PLACE
(INITIATIVE-REFERENDUM-CONSTITUTIONAL AMENDMENT)
NO. _____ ON THE ELECTION BALLOT**

A statement of percentage of voters in the number of legislative representative districts required, and the total number of signatures, must appear near the top of the petition sheet.

The following statement must appear on the face of the petition:

(For submission at the general election)

We, the undersigned Montana voters, propose that the Secretary of State place the following measure on the November 3, 1998, general election ballot:

A space for the title of the proposed measure or a statement that the petition is for the purpose of calling a convention, written pursuant to 13-27-312, Montana Code Annotated (MCA), must appear on the face of the petition.

If the signature lines are printed on both the front and back of the petition sheet, the title must appear on both sides.

A space for the statements of implication written by the Attorney General pursuant to 13-27-312, MCA, must immediately follow the title space.

The ballot issue process

Following the space for the statements of implication, there must be a statement urging voters to read the complete text and a notification that a signature is only to place the measure on the ballot and does not necessarily mean the signer agrees with the measure.

The warning to signers regarding the signing of petitions must appear last, above the numbered signature lines.

The petition must contain numbered lines with indicated spaces for each registered voter's:

1. signature,
2. printed last name of signer,
3. post office address,
4. legislative representative district number, and
5. a "reserved" column is optional but suggested.

The complete text of the measure proposed or referred must be attached to or be contained within each signature sheet, if the sheets are circulated separately. If the sheets are circulated in sections, the complete text of the measure must be attached to each section.

EXPLANATORY AND "FOR" AND "AGAINST" STATEMENTS

If the sample form is approved, the Attorney General will write:

1. a statement, not to exceed 100 words, explaining the purpose of the measure, and
2. statements, not to exceed 25 words each, explaining the implications of a vote for and against the measure.

These statements must be forwarded to the Secretary of State within 21 days after the Attorney General receives the petition. The statement prepared is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot. This statement is also commonly known as the "statement of purpose" or the "explanatory statement."

The statements of implication prepared are commonly known as the "for" and "against" statements to be used on the petition and the ballot if the measure is placed on the ballot. The statements do not necessarily have to be written using the words "for" and "against", but must be similar to that style.

PREPARATION OF FISCAL STATEMENT

The Attorney General will order a fiscal statement if the proposed ballot issue has an effect on the revenues, expenditures or the fiscal liability of the state. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note.

GUIDELINES FOR BALLOT ISSUES

If a fiscal note is prepared for the proposed ballot issue, the Attorney General will prepare a fiscal statement which is to be used on the petition and ballot if the measure is placed on the ballot.

The ballot issue process

COLLECTING SIGNATURES ...

NUMBER OF SIGNATURES REQUIRED

For an initiative or referendum, the number of qualified electors required in each legislative representative district and in the state is determined by the number of votes cast for the office of governor in 1996. (See chart in *Appendix* for numbers; see also Article III, Sections 4 and 5, and Article XIV, Sections 2, 8 and 9, in the Montana Constitution.)

Initiative or Referendum: Total of 19,862 signatures needed statewide

The petition must be signed by at least five percent (5%) of the qualified electors in the state at large, including at least five percent (5%) in at least one-third (34) of the legislative districts.

To suspend an enacted statute when referred to a vote:

An act referred to the people is in effect until suspended by referendum petitions signed by at least fifteen percent (15%) of the qualified electors in at least a majority of the legislative representative districts (51).

Constitutional Initiative for amendment or calling a constitutional convention: Total of 39,724 signatures needed statewide

The petition must be signed by at least ten percent (10%) of the qualified electors in the state at large, including at least ten percent (10%) in each of at least two-fifths (40) of the legislative districts.

COMMON MISTAKES

The reason most signatures on petitions are rejected is that the printed last name cannot be read. The printed last name *must* be legible. The signature does not have to be *identical* to the name under which a person has registered to vote.

However, a signature is more likely to be accepted if it is signed as the person has registered to vote. If the individual is registered as "Sammy Brown" he should sign as such, *not* as "J. Samuel Brown".

Another error occurs when someone signs a petition, and then signs for another person, such as his or her spouse. Such signatures will be rejected. Each individual must sign a petition only of their own accord.

AFFIDAVIT OF PETITION CIRCULATOR REQUIRED

An Affidavit of Petition Circulator must accompany each sheet or section of petitions when filed with the county election administrator. (See *Appendix* for sample.) The Affidavit must be signed and

GUIDELINES FOR BALLOT ISSUES

notarized for each petition sheet or section of sheets circulated, even if the petitions are filed in groups.

DEADLINES FOR SUBMISSION AND FILING OF PETITION SHEETS

(See calendar in front of this booklet for proper dates and statute references.)

Submission to County Officials

Constitutional Amendments and Statutory Initiatives. Signed sheets or sections of petitions must be submitted no sooner than 9 months and no later than 4 weeks before the final date for filing the petition with the Secretary of State.

Referendum Petitions. Signed sheets or sections of petitions must be submitted approximately no later than 5 months after adjournment of the legislature which passed the act.

Filing with the Secretary of State

Constitutional Amendments and Statutory Initiatives. Certified sheets or sections of petitions must be forwarded by the county election administrator for filing with the Secretary of State before 5 p.m. of the third Friday of the fourth month prior to the election at which the measure is to be voted upon by the people.

Referendum Petitions. Certified sheets or sections of petitions must be forwarded by the county election administrator for filing with the Secretary of State no later than 6 months after adjournment of the legislature which passed the act.

WITHDRAWAL OF SIGNATURES

Signers of a petition may withdraw their own names up to the deadline for submission of petitions to county election administrators. A form for withdrawal has been prescribed by the Secretary of State, and is available from any county election administrator.

CERTIFICATION TO GOVERNOR WHEN PETITION IS QUALIFIED

When sheets or sections of a petition containing a sufficient number of signatures have been filed with the Secretary of State, he or she will immediately certify to the governor that the petition has qualified for the ballot.

The ballot issue process

MAKING THE ARGUMENTS . . .

APPOINTMENT OF PRO AND CON COMMITTEES

Once a petition has qualified to appear on the ballot, committees are formed to write arguments for and against the issue. These arguments appear in an information pamphlet that is distributed to all Montana voters before the election. The size of the committees and who appoints them depends on the type of petition. (See 13-27-402 and 13-27-403, MCA.)

Initiative petitions (constitutional amendments and statutory initiatives). A three-member committee supporting the issue is appointed by the sponsor who submitted the petition. A five-member committee opposing the issue is appointed by the governor, Attorney General, president of the senate and speaker of the house of representatives. The four appointed persons appoint the fifth member.

Referenda from the legislature. A three-member committee supporting the issue is composed of one senator known to favor the measure appointed by the president of the senate, one representative known to favor the measure appointed by the speaker of the house of representatives and one individual (who need not be a legislator) appointed by the first two members. A three-member committee opposing the issue is appointed in the same manner as the committee supporting the issue (but, if possible, members should be known to have opposed the issue).

Referenda from the people. A three-member committee supporting the issue is composed of one senator appointed by the president of the senate, one representative appointed by the speaker of the house of representatives and one individual (who need not be a legislator) appointed by the first two members. A three-member committee opposing the issue is appointed by the sponsor who submitted the petition.

DRAFTING THE ARGUMENTS

The original arguments for or against an issue must be no longer than a single 7 1/2-inch by 10-inch page, in a black and white, camera-ready format and must be filed with the Secretary of State no later than 105 days before the election at which the issue will be voted upon by the people.

Copies of these arguments are provided to the opposing committee, who may prepare a rebuttal argument. The rebuttal must be no longer than one-half the size of the arguments (3 3/4 x 5), in a black and white, camera-ready format, and must be filed with the Secretary of State no later than 10 days after the deadline for filing the original arguments.

Arguments and rebuttals may be rejected if the Secretary of State, in consultation with the Attorney General, hold that the arguments contain obscene, vulgar, profane, libelous or defamatory matter, or if the language incites, promotes or advocates hatred, abuse, violence or hostility toward or shame or ridicule upon any group of persons by reason of race, color, religion or sex, or is otherwise prohibited by law.

GUIDELINES FOR BALLOT ISSUES

THE VOTER INFORMATION PAMPHLET

The Secretary of State prepares a pamphlet to be sent by county election administrators to all households with registered voters. The pamphlet is also available at all voting precincts.

The voter information pamphlet contains, for each ballot issue appearing on the ballot, the ballot title, fiscal statement, if applicable, complete text of the issue, form in which the issue will appear on the ballot, arguments for and against the issue and the rebuttal arguments. The names of the members of the committees who draft the arguments and rebuttals are also included. Other additional information for voters is also usually included in the pamphlet.

AFTER THE ELECTION ...

CANVASS OF VOTES CAST

No later than three (3) days after the election, each county board of canvassers must canvass the votes cast for each ballot issue. The results of the canvass must be certified to the board of state canvassers within 20 days after the election.

EFFECTIVE DATES

Initiative. Unless the petition states otherwise, a statutory initiative approved by the people is effective on October 1 following approval. If the measure delegates rulemaking authority, it cannot be effective sooner than October 1 following approval.

Constitutional Amendment. Unless the legislature or the amendment provides otherwise, a constitutional amendment proposed by the legislature or by initiative and approved by the people is effective on July 1 following approval.

Referendum. Unless the legislature specifically provides an effective date in an issue put before the people, or unless suspended by law, an act referred to the people is in effect as the law provides until it is approved or rejected at the election. The following guidelines also apply:

1. An act that is rejected is repealed effective the date the result of the canvass is filed by the Secretary of State under Section 13-27-503, MCA.
2. An act referred to the people that was in effect at the time of the election and is approved by the people remains in effect.
3. An act that was suspended by a petition and is approved by the people is effective the date the result of the canvass is filed by the Secretary of State under Section 13-27-503, MCA.

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4. An act referred by the legislature that contains an effective date following the election becomes effective on that date if approved by the people.
5. An act that provides no effective date and whose substantive provisions were delayed by the legislature pending approval at an election and that is approved is effective October 1 following the election.

FOR MORE INFORMATION . . .

Anyone needing further information concerning the initiative/referendum process may contact the Elections and Legislative Bureau, Secretary of State, Capitol Station, Helena, MT 59620, or call (406) 444-4732 or (406) 444-9068 on our TDD line, or (406) 444-3976 (fax).

GUIDELINES FOR BALLOT ISSUES

NUMBER OF SIGNATURES NEEDED FOR PETITIONS

The number of signatures required on ballot petitions is based on a percentage of the total number of votes cast for governor in the last general election (1996).

The district requirements and signature totals are listed below.

To qualify an **initiative or referendum**, at least 5% of the votes cast for governor is needed in each of at least 34 legislative house districts. If at least 15% of the votes cast for governor is gathered in each of at least 51 house districts, **the enacted statute is suspended pending the outcome of the vote**.

To qualify a **constitutional amendment or to call a constitutional convention**, at least 10% of the votes cast for governor is needed in each of at least 40 house districts.

House District	cast for Governor	# votes needed for . . .		
		5%	10%	15%
1	3,742	188	375	562
2	3,888	195	389	584
3	3,634	182	364	546
4	3,656	183	366	549
5	2,449	123	245	368
6	2,833	142	284	425
7	3,599	180	360	540
8	3,788	190	379	569
9	4,914	246	492	738
10	5,228	262	523	785
11	3,546	178	355	532
12	3,067	154	307	461
13	2,542	128	255	382
14	3,223	162	323	484
15	4,179	209	418	627
16	3,134	157	314	471
17	2,743	138	275	412
18	3,381	170	339	508

Appendix

House District	# votes cast for Governor	5%	10%	15%
19	4,200	210	420	630
20	3,937	197	394	591
21	3,640	182	364	546
22	4,064	204	407	610
23	4,667	234	467	701
24	4,385	220	439	658
25	4,598	230	460	690
26	3,739	187	374	561
27	5,633	282	564	845
28	4,973	249	498	746
29	3,792	190	380	569
30	2,977	149	298	447
31	5,125	257	513	769
32	4,819	241	482	723
33	4,653	233	466	698
34	3,952	198	396	593
35	5,058	253	506	759
36	4,111	206	412	617
37	3,772	189	378	566
38	3,789	190	379	569
39	4,727	237	473	710
40	4,738	237	474	711
41	1,810	91	181	272
42	3,813	191	382	572
43	3,997	200	400	600
44	3,102	156	311	466
45	3,526	177	353	529
46	2,703	136	271	406
47	4,173	209	418	626
48	3,650	183	365	548
49	4,743	238	475	712
50	4,412	221	442	662
51	4,312	216	432	647

GUIDELINES FOR BALLOT ISSUES

House District	# votes cast for Governor	5%	10%	15%
52	4,507	226	451	677
53	3,940	197	394	591
54	4,594	230	460	690
55	4,287	215	429	644
56	3,265	164	327	490
57	3,933	197	394	590
58	4,675	234	468	702
59	4,518	226	452	678
60	4,615	231	462	693
61	5,979	299	598	897
62	4,551	228	456	683
63	4,991	250	500	749
64	4,830	242	483	725
65	3,888	195	389	584
66	3,758	188	376	564
67	4,000	200	400	600
68	3,898	195	390	585
69	5,001	251	501	751
70	4,398	220	440	660
71	4,117	206	412	618
72	4,163	209	417	625
73	3,522	177	353	529
74	4,345	218	435	652
75	4,700	235	470	705
76	4,841	243	485	727
77	4,456	223	446	669
78	3,592	180	360	539
79	4,725	237	473	709
80	4,059	203	406	609
81	3,787	190	379	569
82	3,201	161	321	481
83	3,999	200	400	600
84	4,076	204	408	612
85	2,327	117	233	350

Appendix

House District	#Votes Cast for Governor	5%	10%	15%
86	3,392	170	340	509
87	3,899	195	390	585
88	3,662	184	367	550
89	4,418	221	442	663
90	3,605	181	361	541
91	3,046	153	305	457
92	3,026	152	303	454
93	4,446	223	445	667
94	3,760	188	376	564
95	4,051	203	406	608
96	3,792	190	380	569
97	3,605	181	361	541
98	2,655	133	266	399
99	4,053	203	406	608
100	3,155	158	316	474
TOTAL	397,239	19,862	39,724	

*Sum of percent totals may not equal the number of votes cast for Governor due to rounding of fractions.

GUIDELINES FOR BALLOT ISSUES

AFFIDAVIT FOR PERSON CIRCULATING PETITIONS

I, _____ (name of person who circulated this petition), affirm, or being first sworn, depose and say: that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, are the signatures of Montana electors who are registered at the address following their signature, and that the signers knew the contents of the petition before signing the same.

Signature of petition circulator

Address of petition circulator

City, state and zip code

Subscribed and sworn to before me this _____ day of _____, 199___.

Signature of person authorized to take oaths

SEAL

Title or notarial information

Appendix

PETITION TO PLACE INITIATIVE NO. ___ ON THE ELECTION BALLOT

If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing this petition is 19,862, this measure will appear on the next general election ballot. If a majority of voters vote for this measure at that election, it will become law.

We, the undersigned Montana voters, propose that the secretary of state place the following measure on the November 3, 1998, general election ballot:

(Title of measure [statement of purpose] written by Attorney General)
(Fiscal statement, if applicable, supplied by Attorney General)

- FOR (statement of implication of a vote for the measure, written by Attorney General)
- AGAINST (statement of implication of a vote against the measure, written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

Each person must sign his or her name and address in substantially the same manner as on his or her voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGIS. REP. DIST.
1.			
2.			
3.			
4.			

(numbered lines continued to fill up page)

COUNTY: _____

(OPTIONAL: Instructions to petition circulators, e.g. where to mail completed petition sheets)

GUIDELINES FOR BALLOT ISSUES

PETITION TO PLACE REFERENDUM NO. ____ ON THE ELECTION BALLOT

If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is 19,862, Senate (House) Bill Number ____ will appear on the next general election ballot. If a majority of voters vote for this measure at that election it will become law.

We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number ____, passed by the legislature on _____ on the next general election ballot:

(Title of referendum [statement of purpose]
written by Attorney General)

(Fiscal note, if applicable, supplied by Attorney General)

- FOR (statement of implication of a vote for the measure, written by Attorney General)
- AGAINST (statement of implication of a vote against the measure, written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

Each person must sign his or her name and address in substantially the same manner as on his or her voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGIS. REP. DIST.
1.			
2.			
3.			
4.			

(numbered lines continued to fill up page)

COUNTY:

(OPTIONAL: Instructions to petition circulators, e.g. where to mail completed petition sheets)

Appendix

PETITION TO PLACE CONSTITUTIONAL AMENDMENT NO. ___ ON THE ELECTION BALLOT

If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing the petition is 39,724, this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the November 3, 1998, general election ballot:

(Title of constitutional amendment [statement of purpose]
written by Attorney General)

(Fiscal note, if applicable, supplied by Attorney General)

- FOR (statement of implication of a vote for the measure, written by Attorney General)
- AGAINST (statement of implication of a vote against the measure, written by the Attorney General)

Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

Each person must sign his or her name and address in substantially the same manner as on his or her voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGIS. REP. DIST.
1.			
2.			
3.			
4.			

(numbered lines continued to fill up page)

COUNTY:

(OPTIONAL: Instructions to petition circulators, e.g. where to mail completed petition sheets)

GUIDELINES FOR BALLOT ISSUES

PETITION TO PLACE INITIATIVE NO. , CALLING FOR A CONSTITUTIONAL CONVENTION, ON THE ELECTION BALLOT

If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is 39,724, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention the legislature will call for a constitutional convention at its next session.

We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the November 3, 1998, general election ballot:

(Title of initiative [statement of purpose]
written by Attorney General)

(Fiscal note, if applicable, supplied by Attorney General)

- FOR (statement of implication of a vote for the measure, written by Attorney General)
- AGAINST (statement of implication of a vote against the measure, written by the Attorney General)

A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(TEXT OF THE MEASURE MAY APPEAR HERE,
ON THE REVERSE SIDE OR BE ATTACHED)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

Each person must sign his or her name and address in substantially the same manner as on his or her voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGIS. REP. DIST.
1.			
2.			
3.			
4.			

(numbered lines continued to fill up page)

COUNTY: _____
(OPTIONAL: Instructions to petition circulators, e.g. where to mail completed petition sheets)

Appendix

(reverse of petition sheet; use appropriate heading below)

PETITION TO PLACE INITIATIVE NO. ____ ON THE ELECTION BALLOT

PETITION TO PLACE REFERENDUM NO. ____ ON THE ELECTION BALLOT

PETITION TO PLACE INITIATIVE NO. ____, CALLING
FOR A CONSTITUTIONAL CONVENTION, ON THE ELECTION BALLOT

PETITION TO PLACE CONSTITUTIONAL
AMENDMENT NO. ____ ON THE ELECTION BALLOT

(Title of measure [statement of purpose]
written by Attorney General)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

Each person must sign his or her name and address in substantially the same manner as on his or her voter registry card or the signature will not be counted.

COMPLETE SIGNATURE	PRINTED LAST NAME	POST OFFICE ADDRESS	LEGIS. REP. DIST.
1.			
2.			
3.			
4.			

(numbered lines continued to fill up page)

COUNTY: _____

(OPTIONAL: Instructions to petition circulators, e.g. where to mail completed petition sheets)

GUIDELINES FOR BALLOT ISSUES

Constitutional and Statutory References¹

ARTICLE III

GENERAL GOVERNMENT

Section

1. Separation of powers.
 2. Continuity of government.
 3. Oath of office.
 4. Initiative.
 5. Referendum.
 6. Elections.
 7. Number of electors.
 8. Prohibition.
 9. Gambling.
-

[Sections 1 - 3 omitted.]

Section 4. Initiative. (1) The people may enact laws by initiative on all matters except appropriations of money and local or special laws.

(2) Initiative petitions must contain the full text of the proposed measure, shall be signed by at least five percent of the qualified electors in each of at least one-third of the legislative representative districts and the total number of signers must be at least five percent of the total qualified electors of the state. Petitions shall be filed with the secretary of state at least three months prior to the election at which the measure will be voted upon.

(3) The sufficiency of the initiative petition shall not be questioned after the election is held.

Section 5. Referendum. (1) The people may approve or reject by referendum any act of the legislature except an appropriation of money. A referendum shall be held either upon order by the legislature or upon petition signed by at least five percent of the qualified electors in each of at least one-third of the legislative representative districts. The total number of signers must be at least five percent of the qualified electors of the state. A referendum petition shall be filed with the secretary of state no later than six months after adjournment of the legislature which passed the act.

(2) An act referred to the people is in effect until suspended by petitions signed by at least 15 percent of the qualified electors in a majority of the legislative representative districts. If so suspended the act shall become operative only after it is approved at an election, the result of which has been determined and declared as provided by law.

Section 6. Elections. The people shall vote on initiative and referendum measures at the general election unless the legislature orders a special election.

¹These are not the official versions of these constitutional and statutory sections, which were not available at the time of printing.

Appendix

Section 7. Number of electors. The number of qualified electors required in each legislative representative district and in the state shall be determined by the number of votes cast for the office of governor in the preceding general election.

Section 8. Prohibition. The provisions of this Article do not apply to CONSTITUTIONAL REVISION, Article XIV.

Section 9. Gambling. All forms of gambling, lotteries, and gift enterprises are prohibited unless authorized by acts of the legislature or by the people through initiative or referendum.

ARTICLE IV

SUFFRAGE AND ELECTIONS

Section

1. Ballot.
 2. Qualified elector.
 3. Elections.
 4. Eligibility for public office.
 5. Result of elections.
 6. Privilege from arrest.
 7. Ballot issues -- challenges -- elections.
-

[Sections 1 - 6 omitted.]

Section 7. Ballot issues -- challenges -- elections. (1) An initiative or referendum that qualifies for the ballot under Article III or Article XIV shall be submitted to the qualified electors as provided in the Article under which the initiative or referendum qualified unless a new election is held pursuant to this section.

(2) A preelection challenge to the procedure by which an initiative or referendum qualified for the ballot or a postelection challenge to the manner in which the election was conducted shall be given priority by the courts.

(3) If the election on an initiative or referendum properly qualifying for the ballot is declared invalid because the election was improperly conducted, the secretary of state shall submit the issue to the qualified electors at the next regularly scheduled statewide election unless the legislature orders a special election.

ARTICLE XIV

CONSTITUTIONAL REVISION

Section

1. Constitutional convention.
2. Initiative for constitutional convention.
3. Periodic submission.
4. Call of convention.

GUIDELINES FOR BALLOT ISSUES

5. Convention expenses.
6. Oath, vacancies.
7. Convention duties.
8. Amendment by legislative referendum.
9. Amendment by initiative.
10. Petition signers.
11. Submission.

Section 1. Constitutional convention. The legislature, by ~~a~~ affirmative vote of two-thirds of all the members, whether one or more bodies, may at any time submit to the qualified electors the question of whether there shall be an unlimited convention to revise, alter, or amend this constitution.

Section 2. Initiative for constitutional convention. (1) The people may by initiative petition direct the secretary of state to submit to the qualified electors the question of whether there shall be ~~a~~ unlimited convention to revise, alter, or amend this constitution. The petition shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of two-fifths of the legislative districts.

(2) The secretary of state shall certify the filing of the petition in his office and cause the question to be submitted at the next general election.

Section 3. Periodic submission. If the question of holding ~~a~~ convention is not otherwise submitted during any period of 20 years, it shall be submitted as provided by law at the general election in the twentieth year following the last submission.

Section 4. Call of convention. If a majority of those voting on the question answer in the affirmative, the legislature shall provide for the calling thereof at its next session. The number of delegates to the convention shall be the same as that of the larger body of the legislature. The qualifications of delegates shall be the same as the highest qualifications required for election to the legislature. The legislature shall determine whether the delegates may be nominated on a partisan or ~~a~~ non-partisan basis. They shall be elected at the same places and in the same districts as are the members of the legislative body determining the number of delegates.

[Sections 5 and 6 omitted.]

Section 7. Convention duties. The convention shall meet after the election of the delegates and prepare such revisions, alterations, or amendments to the constitution as may be deemed necessary. They shall be submitted to the qualified electors for ratification or rejection as a whole or in separate articles or amendments as determined by the convention at an election appointed by the convention for that purpose not less than two months after adjournment. Unless so submitted and approved by a majority of the electors voting thereon, no such revision, alteration, or amendment shall take effect.

Section 8. Amendment by legislative referendum. Amendments to this constitution may be proposed by any member of the legislature. If adopted by an affirmative roll call vote of two-thirds of all the members thereof, whether one or more bodies, the proposed amendment shall be submitted to the qualified electors at the next general election. If approved by a majority of the electors voting thereon, the amendment shall become a part of this constitution on the first day of July after certification of the election returns unless the amendment provides otherwise.

Appendix

Section 9. Amendment by initiative. (1) The people may also propose constitutional amendments by initiative. Petitions including the full text of the proposed amendment shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of two-fifths of the legislative districts.

(2) The petitions shall be filed with the secretary of state. If the petitions are found to have been signed by the required number of electors, the secretary of state shall cause the amendment to be published as provided by law twice each month for two months previous to the next regular state-wide election.

(3) At that election, the proposed amendment shall be submitted to the qualified electors for approval or rejection. If approved by a majority voting thereon, it shall become a part of the constitution effective the first day of July following its approval, unless the amendment provides otherwise.

Section 10. Petition signers. The number of qualified electors required for the filing of any petition provided for in this Article shall be determined by the number of votes cast for the office of governor in the preceding general election.

Section 11. Submission. If more than one amendment is submitted at the same election, each shall be so prepared and distinguished that it can be voted upon separately.

GUIDELINES FOR BALLOT ISSUES

CHAPTER 27

BALLOT ISSUES

Part 1 – General Provisions

- 13-27-101. Establishment of initiative and referendum procedures.
- 13-27-102. Who may petition.
- 13-27-103. Sufficiency of signature.
- 13-27-104. Time for filing.
- 13-27-105. Effective date of initiative and referendum issues.
- 13-27-106. Violations – penalties.

Part 2 -- Form of Petitions

- 13-27-201. Form of petition generally.
- 13-27-202. Recommendations -- approval of form required.
- 13-27-203. Numbering of petitions.
- 13-27-204. Petition for the initiative.
- 13-27-205. Petition for the referendum.
- 13-27-206. Petition for initiative for constitutional convention.
- 13-27-207. Petition for initiative for constitutional amendment.
- 13-27-208. Petitions to be made available in each county election administrator's office.

Part 3 – Submission and Processing of Petitions

- 13-27-301. Submission of petition sheets -- withdrawal of signatures.
- 13-27-302. Certification of signatures.
- 13-27-303. Verification of signatures by county official -- allocating voters following reapportionment duplicate signatures.
- 13-27-304. County official to forward verified sheets.
- 13-27-305. Retention of copies by county official.
- 13-27-306. Challenge to signatures by elector of county.
- 13-27-307. Consideration and tabulation of signatures by secretary of state.
- 13-27-308. Certification of petition to governor.
- 13-27-309. Repealed.
- 13-27-310. Transmittal of issues referred by the legislature and ballot forms to the attorney general.
- 13-27-311. Publication of proposed constitutional amendments.
- 13-27-312. Review of petition by attorney general -- preparation of statements -- fiscal note.
- 13-27-313. Review of ballot forms by attorney general.
- 13-27-314. Repealed.
- 13-27-315. Statements by attorney general on issues referred by legislature.
- 13-27-316. Court review of attorney general statements.

Part 4 – Voter Information Pamphlets

- 13-27-401. Voter information pamphlet.
- 13-27-402. Committees to prepare arguments for and against ballot issues.
- 13-27-403. Appointment to committee.
- 13-27-404. Committee chairman.
- 13-27-405. Committee expenses.
- 13-27-406. Limitation on length of argument -- time of filing.
- 13-27-407. Rebuttal arguments.
- 13-27-408. Rejection of improper arguments.

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13-27-409. Liability for contents of argument.

13-27-410. Printing and distribution of voter information pamphlet.

Part 5 – Election Procedure

13-27-501. Secretary of state to certify ballot form -- abbreviated ballot.

13-27-502. Preparation of ballots by county officials.

13-27-503. Determination of result of election.

13-27-504. Copy of approved issues to be sent to Legislative Services.

Part 1

General Provisions

13-27-101. Establishment of initiative and referendum procedures. The right of the people to petition to enact laws by initiative, to petition to approve or reject by referendum any act of the legislature except an appropriation of money, to call for a vote on whether there shall be a constitutional convention, and to propose constitutional amendments by initiative as guaranteed by The Constitution of the State of Montana may be exercised through adherence to the procedures established in this chapter.

13-27-102. Who may petition. A petition for the initiative, the referendum, or to call a constitutional convention may be signed only by a qualified elector of the state of Montana.

13-27-103. Sufficiency of signature. A signature may not be counted unless the elector has signed in substantially the same manner as on the voter registry card. If the elector is registered with a first and middle name, the use of an initial instead of either the first or middle name, but not both names, need not disqualify the signature. The signature may be counted so long as the signature, taken as a whole, bears sufficient similarity to the signature on the registry card as to provide reasonable certainty of its authenticity.

13-27-104. Time for filing. Unless a specific time for filing is provided in the constitution, all petitions filed with the secretary of state, certified as provided by law, must be received before 5 p.m. of the third Friday of the fourth month prior to the election at which they are to be voted upon by the people.

13-27-105. Effective date of initiative and referendum issues. (1) Unless the petition placing an initiative issue on the ballot states otherwise, an initiative issue, other than a constitutional amendment, approved by the people is effective on October 1 following approval. If the issue delegates rulemaking authority, it is effective no sooner than October 1 following approval.

(2) A constitutional amendment proposed by initiative or by the legislature and approved by the people is effective on July 1 following approval unless the amendment provides otherwise.

(3) Unless specifically provided by the legislature in an act referred by it to the people or until suspended by a petition signed by at least 15% of the qualified electors in a majority of the legislative representative districts,

GUIDELINES FOR BALLOT ISSUES

an act referred to the people is in effect as provided by law until it is approved or rejected at the election. An act that is rejected is repealed effective the date the result of the canvass is filed by the secretary of state under 13-27-503. An act referred to the people that was in effect at the time of the election and is approved by the people remains in effect. An act that was suspended by a petition and is approved by the people is effective the date the result of the canvass is filed by the secretary of state under 13-27-503. An act referred by the legislature that contains an effective date following the election becomes effective on that date if approved by the people. An act that provides no effective date and whose substantive provisions were delayed by the legislature pending approval at an election and that is approved is effective October 1 following the election.

13-27-106. Violations -- penalties. A person who knowingly makes a false entry upon a petition or affidavit required by this chapter or who knowingly signs a petition to place the same issue on the ballot at the same election more than once is guilty of unsworn falsification or tampering with public records or information, as appropriate, and is punishable as provided in 45-7-203 or 45-7-208, as applicable.

Part 2

Form of Petitions

13-27-201. Form of petition generally. (1) A petition for the initiative, the referendum, or to call a constitutional convention must be substantially in the form provided by this chapter. Clerical or technical errors that do not interfere with the ability to judge the sufficiency of signatures on the petition do not render a petition void.

(2) Petition sheets may not exceed a 1/2 x 14 inches in size. Separate sheets of a petition may be fastened in sections of not more than 25 sheets. Near the top of each sheet containing signature lines must be printed the title of the statute or constitutional amendment proposed or the measure to be referred or a statement that the petition is for the purpose of calling a constitutional convention. If signature lines are printed on both the front and back of a petition sheet, the information required above must appear on both the front and back of the sheet. The complete text of the measure proposed or referred must be attached to or contained within each signature sheet if sheets are circulated separately. The text of the measure must be in the bill form provided in the most recent issue of the bill drafting manual furnished by the Legislative Services. If sheets are circulated in sections, the complete text of the measure must be attached to each section.

13-27-202. Recommendations – approval of form required. (1) Before submission of a sample sheet to the secretary of state pursuant to subsection (3), the following requirements must be fulfilled:

- (a) The text of the proposed measure must be submitted to the Legislative Services for review.
 - (b) The Legislative Services staff shall review the text for clarity, consistency, and any other factors the Legislative Services staff considers when drafting proposed legislation.
 - (c) Within 14 days after submission of the text, the Legislative Services staff shall make to the person submitting the text written recommendations for changes in the text or a statement that no changes are recommended.
 - (d) The person submitting the text shall consider any such recommendations and respond in writing to the Legislative Services, accepting, rejecting, or modifying each of the recommended changes. If no changes are recommended, no response is required.
- (2) The Legislative Services shall furnish a copy of the correspondence provided for in subsection (1) to the secretary of state, who shall make a copy thereof available to any person upon request.

Appendix

(3) Before a petition may be circulated for signatures, a sample sheet containing the text of the proposed measure must be submitted to the secretary of state in the form in which it will be circulated. The sample petition may not be submitted to the secretary of state more than 1 year prior to the final date for filing the signed petition with the secretary of state. The secretary of state shall refer a copy of the petition sheet to the attorney general for his approval. The secretary of state and attorney general must each review the petition for sufficiency as to form and approve or reject the form of the petition, stating the reasons for rejection, if any. The secretary of state or the attorney general may not reject the petition solely because the text contains material not submitted to the Legislative Services unless the material not submitted to the Legislative Services is a substantive change not suggested by the Legislative Services.

(4) The secretary of state shall review the comments and statements of the attorney general received pursuant to 13-27-312 and make a final decision as to the approval or rejection of the form of the petition. The secretary of state shall send written notice to the person who submitted the petition sheet of the approval or rejection within 28 days after submission of the petition sheet. If the petition is rejected, the notice must include reasons for rejection.

(5) A petition with technical defects in form may be approved with the condition that those defects will be corrected before the petition is circulated for signatures.

(6) The secretary of state shall upon request provide the person submitting the petition with a sample petition form, including the text of the proposed measure, the statement of purpose, and the statements of implications, all as approved by the secretary of state and the attorney general. The petition may be circulated in the form of the sample prepared by the secretary of state.

13-27-203. Numbering of petitions. The secretary of state shall serially number all submitted petitions that are approved as to form continuously from year to year. The numbering system shall distinguish the different types of petitions received and include provisions for numbering measures referred to the people by the legislature.

13-27-204. Petition for the initiative. (1) The following is substantially the form for a petition calling for a vote to enact a law by the initiative:

**PETITION TO PLACE
INITIATIVE NO. ON
THE ELECTION BALLOT**

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing this petition is, this measure will appear on the next general election ballot. If a majority of voters vote for this measure at that election, it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following measure on the, 19...., general election ballot:

(Title of measure written pursuant to 13-27-312)
(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

GUIDELINES FOR BALLOT ISSUES

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

13-27-205. Petition for the referendum. (1) The following is substantially the form for a petition calling for approval or rejection of an act of the legislature by the referendum:

**PETITION TO PLACE REFERENDUM NO. _____
ON THE ELECTION BALLOT**

(a) If 5% of the voters in each of 34 legislative representative districts sign this petition and the total number of voters signing the petition is, Senate (House) Bill Number will appear on the next general election ballot. If a majority of voters vote for this measure at that election it will become law.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following Senate (House) Bill Number, passed by the legislature on on the next general election ballot:

(Title of referendum written pursuant to 13-27-312)

(Statement of implication written pursuant to 13-27-312)

(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the measure on the ballot and does not necessarily mean the signer agrees with the measure.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card, or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

Appendix

13-27-206. Petition for initiative for constitutional convention. (1) The following is substantially the form for a petition to direct the secretary of state to submit to the qualified voters the question of whether there shall be a constitutional convention:

**PETITION TO PLACE
INITIATIVE NO. ___, CALLING FOR
A CONSTITUTIONAL CONVENTION, ON
THE ELECTION BALLOT**

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing this petition is, the question of whether to have a constitutional convention will appear on the next general election ballot. If a majority of voters vote for the constitutional convention the legislature will call for a constitutional convention at its next session.

(b) We, the undersigned Montana voters, propose that the secretary of state place the question of whether to hold a constitutional convention on the 19..., general election ballot:

(Title of the initiative written pursuant to 13-27-312)
(Statement of implication written pursuant to 13-27-312)

(c) A signature on this petition is only to put the call for a constitutional convention on the ballot and does not necessarily mean the signer is in favor of calling a constitutional convention.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine or 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card, or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall also contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

13-27-207. Petition for initiative for constitutional amendment. (1) The following is substantially the form for a petition for the initiative to amend the constitution:

**PETITION TO PLACE CONSTITUTIONAL
AMENDMENT NO. __ ON
THE ELECTION BALLOT**

(a) If 10% of the voters in each of 40 legislative districts sign this petition and the total number of voters signing the petition is, this constitutional amendment will appear on the next general election ballot. If a majority of voters vote for this amendment at that election, it will become part of the constitution.

(b) We, the undersigned Montana voters, propose that the secretary of state place the following constitutional amendment on the 19..., general election ballot:

(Title of the proposed constitutional amendment
written pursuant to 13-27-312)
(Statement of implication written pursuant to 13-27-312)

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(c) Voters are urged to read the complete text of the measure, which appears (on the reverse side of, attached to, etc., as applicable) on this sheet. A signature on this petition is only to put the constitutional amendment on the ballot and does not necessarily mean the signer agrees with the amendment.

(d)

WARNING

A person who purposefully signs a name other than his/her own to this petition or who signs more than once for the same issue at one election or signs when not a legally registered Montana voter is subject to a \$500 fine, 6 months in jail, or both.

(e) Each person must sign his/her name and address in substantially the same manner as on his/her voter registry card or the signature will not be counted.

(2) Numbered lines shall follow the above heading. Each numbered line shall contain spaces for the signature, post-office address, legislative representative district number, and printed last name of the signer.

13-27-208. Petitions to be made available in each county election administrator's office. When the secretary of state sends written notice of the approval of the form of a petition as required under 13-27-202(4), he shall forward a copy of the petition, along with signature sheets, to the election administrator of each county. The election administrator shall make a copy of each approved petition available for reading and signing in his office during business hours in an election year until the petitions are submitted under 13-27-301. The secretary of state may charge the person who submitted the petition a fee sufficient to reimburse the secretary of state for the cost of providing copies of the petition and signature sheets to each county election administrator.

Part 3

Submission and Processing of Petitions

13-27-301. Submission of petition sheets -- withdrawal of signatures. (1) Signed sheets or sections of petitions shall be submitted to the official responsible for registration of electors in the county in which the signatures were obtained no sooner than 9 months and no later than 4 weeks before the final date for filing the petition with the secretary of state.

(2) Signatures may be withdrawn from a petition for constitutional amendment, constitutional convention, initiative, or referendum up to the time of final submission of petition sheets as provided in subsection (1). The secretary of state shall prescribe the form to be used by an elector desiring to have his signature withdrawn from a petition.

13-27-302. Certification of signatures. An affidavit, in substantially the following form, shall be attached to each sheet or section submitted to the county official:

I, (Name of person who circulated this petition), affirm, or being first sworn, depose and say: that I circulated or assisted in circulating the petition to which this affidavit is attached and I believe the signatures thereon are genuine, are the signatures of the persons whose names they purport to be, are the signatures of Montana electors who are registered at the address following their signature, and that the signers knew the contents of the petition before signing the same.

.....
(Signature of petition circulator)

.....
(Address of petition circulator)

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Subscribed and sworn to before me this day of, 19....

Seal

.....
(Person authorized to take oaths)

.....
(Title or notarial information)

13-27-303. Verification of signatures by county official – allocating voters following reapportionment -- duplicate signatures. (1) Except as required by 13-27-104, within 4 weeks after receiving the sheets or sections of a petition, the county official shall check the names of all signers to verify they are registered electors of the county. In addition, the official shall randomly select signatures on each sheet or section and compare them with the signatures of the electors as they appear in the registration records of the office. If all the randomly selected signatures appear to be genuine, the number of signatures of registered electors on the sheet or section may be certified to the secretary of state without further comparison of signatures. If any of the randomly selected signatures do not appear to be genuine, all signatures on that sheet or section must be compared with the signatures in the registration records of the office.

(2) For the purpose of allocating the signatures of voters among the several legislative representative districts of the state as required to certify a petition for a ballot issue under the provisions of this chapter following the filing of a districting and apportionment plan under 5-1-111 and before the first gubernatorial election following the filing of the plan, the new districts must be used with the number of signatures needed for each legislative representative district being the total votes cast for governor in the last gubernatorial election divided by the number of legislative representative districts.

(3) Upon discovery of fraudulent signatures or duplicate signatures of an elector on any one issue, the election administrator may submit the name of the elector or the petition circulator, or both, to the county attorney to be investigated under the provisions of 13-27-106 and 13-35-207.

13-27-304. County official to forward verified sheets. The county official verifying the number of registered electors signing the petition shall forward it to the secretary of state by certified mail with a certificate in substantially the following form attached:

To the Honorable, secretary of state of the state of Montana:

I,, (title) of the County of, certify that I have examined the attached (section containing sheets) or (.... sheets) of the petition for (referendum, initiative, constitutional convention, or constitutional amendment) No. in the manner prescribed by law; and I believe that (number) signatures in Legislative Representative District No. (repeat for each district included in sheet or section) are valid; and I further certify that the affidavit of the circulator of the (sheet) (section) of the petition is attached and the post-office address and legislative representative district number is completed for each valid signature.

Signed: (Date)

..... (Signature)

Seal

..... (Title)

13-27-305. Retention of copies by county official. The county official certifying the sheets or sections of a petition shall keep a copy of the sheets or sections certified in the official files of his office. The copies may be destroyed 3 months after the date of the election specified in the petition unless a court action is pending on the sufficiency of the petition.

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13-27-306. Challenge to signatures by elector of county. A registered elector of a county having reason to believe that signatures on a petition that were not among those actually compared with signatures in the registration records of the county are not genuine may file a sworn statement or affirmation of his belief and request for comparison of those signatures he believes are not genuine with the county official certifying the sheet or section of the petition. If any of the challenged signatures are not genuine, the county official must compare all signatures on that sheet or section and issue a amended certificate to the secretary of state, giving the correct number of valid signatures, on or before the deadline, as provided for in 13-27-104, for filing in the office of the secretary of state.

13-27-307. Consideration and tabulation of signatures by secretary of state. (1) The secretary of state shall consider and tabulate only such signatures on petitions ■ are certified by the proper county official, and each such certificate is prima facie evidence of the facts stated therein. However, the secretary of state may consider and tabulate any signature not certified by the county official that is certified by a notary public of the county in which the signer resides to be the genuine signature of an elector legally qualified to sign the petition.

(2) The official certificate of the notary public for any signature not certified as valid by the county official shall be in substantially the following form:

State of Montana)
) ss.
County of)

I, (name), a duly qualified and acting notary public in and for the above-named county and state, do hereby certify that I am personally acquainted with each of the following-named electors whose signatures are affixed to the annexed (petition) (copy of a petition) and I know of my own knowledge that they are registered electors of the state of Montana and of the county and legislative district written after their names in the petition and that their post-office addresses are correctly stated therein.

..... (Names of such electors)
In testimony whereof, I have hereunto set my hand and official seal this day of, 19....

Seal (Signature) (Notarial information)

13-27-308. Certification of petition to governor. When sheets or sections of a petition for referendum, initiative, constitutional convention, or constitutional amendment containing a sufficient number of signatures have been filed with the secretary of state within the time required by the constitution or by law, he shall immediately certify to the governor that the completed petition has been officially filed.

13-27-309. Repealed. Sec. 195, Ch. 575, L. 1981.

13-27-310. Transmittal of issues referred by the legislature and ballot forms to the attorney general. (1) The secretary of state shall transmit a copy of the form in which a ballot issue proposed by petition will appear on the ballot to the attorney general on the same day the completed petition is certified to the governor.

(2) The secretary of state shall transmit a copy of an act referred to the people or a constitutional amendment proposed by the legislature and a copy of the form in which the issue will appear on the ballot to the attorney general no later than 6 months before the election at which the issue will be voted on by the people.

(3) If the ballot form is not approved by the attorney general pursuant to 13-27-313, the secretary of state shall immediately submit a new ballot form to the attorney general.

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13-27-311. Publication of proposed constitutional amendments. (1) If a proposed constitutional amendment or amendments are submitted to the people, the secretary of state shall have the proposed amendment or amendments published in full twice each month for 2 months previous to the election at which they are to be voted upon by the people, in not less than one newspaper of general circulation in each county.

(2) The secretary of state may arrange for newspaper, radio, or television publication of proposed constitutional amendments in each county. A summary of the amendment as provided by the attorney general, as described in 13-27-312 or 13-27-315, would suffice for the publication required by this section and should be made at least twice each month for 2 months previous to the election.

13-27-312. Review of petition by attorney general — preparation of statements -- fiscal note. (1) Upon receipt of a petition from the office of the secretary of state pursuant to 13-27-202, the attorney general shall examine the petition as to form and, if the proposed ballot issue has an effect on the revenues, expenditures, or the fiscal liability of the state, shall order a fiscal note incorporating an estimate of such effect, the substance of which must substantially comply with the provisions of 5-4-205. The budget director, in cooperation with the agency or agencies affected by the petition, is responsible for preparing the fiscal note and shall return it within 6 days unless the attorney general, for good cause shown, extends the time for completing the fiscal note.

(2) If the petition form is approved, the attorney general shall endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general shall prepare:

- (a) a statement, not to exceed 100 words, explaining the purpose of the measure; and
- (b) statements, not to exceed 25 words each, explaining the implications of a vote for and a vote against the measure.

(3) The attorney general shall prepare a fiscal statement of no more than 50 words if a fiscal note was prepared for the proposed ballot issue, such statement to be used on the petition and ballot if the measure is placed on the ballot.

(4) The statement of purpose and the statements of implication must express the true and impartial explanation of the proposed ballot issue in plain, easily understood language and may not be arguments or written so as to create prejudice for or against the measure.

(5) The statement of purpose, unless altered by a court under 13-27-316, is the petition title for the measure circulated by the petition and the ballot title if the measure is placed on the ballot.

(6) The statements of implication shall be placed beside the diagram provided for marking of the ballot in a manner similar to but not limited to the following example:

- FOR extending the right to vote to persons 18 years of age
- AGAINST extending the right to vote to persons 18 years of age

(7) If the petition is rejected as to form, the attorney general shall forward his comments to the secretary of state within 21 days after receipt of the petition by the attorney general. If the petition is approved as to form, the attorney general shall forward the statement of purpose, the statements of implication, and the fiscal statement, if applicable, to the secretary of state within 21 days after receipt of the petition by the attorney general.

13-27-313. Review of ballot forms by attorney general. The attorney general shall examine each ballot form submitted to his office pursuant to 13-27-310 and within 20 days of receipt of the ballot form shall notify the secretary of state of his approval or rejection of the ballot form. If the ballot form is rejected, the attorney general shall approve or reject a new ballot form submitted by the secretary of state pursuant to 13-27-310(3) within 5 days of receiving the new form.

13-27-314. Repealed. Sec. 19, Ch. 400, L. 1979.

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13-27-315. Statements by attorney general on issues referred by legislature. (1) Upon receipt of a copy of a ballot form under 13-27-310(2) for an issue proposed by the legislature, the attorney general shall order a fiscal note as provided in 13-27-312(1) if the issue has an effect on the revenues, expenditures, or the fiscal liability of the state. At the same time the explanatory statement is prepared under subsection (2), the attorney general shall prepare a fiscal statement of no more than 50 words to be forwarded to the secretary of state at the same time as the explanatory statement.

(2) At the same time the attorney general, pursuant to 13-27-313, informs the secretary of state of the approval or rejection of a ballot form for an issue proposed by the legislature, the attorney general shall forward to the secretary of state a statement, not exceeding 100 words, expressing a true and impartial explanation of the purpose of the measure in plain, easily understood language. The statement may not be an argument and may not be written to create a prejudice for or against the issue. The statement prepared under this section is known as the attorney general's explanatory statement.

(3) If statements of the implication of a vote for or against a ballot issue have not been provided by the legislature, the attorney general shall prepare the statements. Requirements for statements of implication for ballot issues referred by the legislature are the same as those provided in 13-27-312 for other ballot issues. Statements of implication prepared by the attorney general must be returned to the secretary of state no later than the time specified for approval of the ballot form.

13-27-316. Court review of attorney general statements. (1) If the proponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of receipt of the notice from the secretary of state provided for in 13-27-202, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(2) If the opponents of a ballot measure believe that the statement of purpose, the statements of implication of a vote, or the fiscal statement formulated by the attorney general pursuant to 13-27-312 do not satisfy the requirements of 13-27-312, they may, within 10 days of the date of certification to the governor that the completed petition has been officially filed, file an action in the district court in and for the county of Lewis and Clark challenging the adequacy of the statement and requesting the court to alter the statement.

(3) (a) Notice shall be served upon the secretary of state and upon the attorney general. The action takes precedence over other cases and matters in the district court. The court shall examine the proposed measure and the challenged statement and shall as soon as possible render a decision and certify to the secretary of state a statement which the court determines will meet the requirements of 13-27-312.

(b) A statement certified by the court shall be placed on the petition for circulation and on the official ballot.

(4) A copy of the petition in final form must be filed in the office of the secretary of state by the proponents.

(5) Any party may appeal the order of the district court to the Montana supreme court by filing a notice of appeal within 5 days of the date of the order of the district court.

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Part 4

Voter Information Pamphlets

13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

- (a) ballot title, fiscal statement if applicable, and complete text of the issue;
- (b) the form in which the issue will appear on the ballot;
- (c) arguments advocating approval and rejection of the issue; and
- (d) rebuttal arguments.

(2) The pamphlet must also contain a notice advising the recipient where additional copies of the pamphlet may be obtained.

(3) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet must be presented in the same order.

(4) The secretary of state may prescribe by rule the format and manner of submission of the arguments concerning the ballot issue.

13-27-402. Committees to prepare arguments for and against ballot issues. (1) The arguments advocating approval or rejection of the ballot issue and rebuttal arguments must be submitted to the secretary of state by committees appointed as provided in this section.

(2) The committees must be composed of:

- (a) one senator known to favor the measure, appointed by the president of the senate;
- (b) one representative known to favor the measure, appointed by the speaker of the house of representatives; and
- (c) one individual who need not be a member of the legislature, appointed by the first two members from:
 - (i) the committee advocating approval of an act referred to the people or of a constitutional amendment proposed by the legislature; or
 - (ii) the committee advocating approval of an act referred to the people by referendum petition.

(3)(a) The committee advocating rejection of an act referred to the people or of a constitutional amendment proposed by the legislature must be composed of:

- (i) one senator appointed by the president of the senate;
- (ii) one representative appointed by the speaker of the house of representatives; and
- (iii) one individual who need not be a member of the legislature, appointed by the first two members.

(b) Whenever possible, the members must be known to have opposed the issue.

(4) The following must be three-member committees and must be appointed by the person submitting the petition to the secretary of state under the provisions of 13-27-202:

- (a) the committee advocating approval of a ballot issue proposed by any type of initiative petition; and
- (b) the committee advocating rejection of any ballot issue that is a legislative act referred to the people by referendum petition.

(5) A committee advocating rejection of a ballot issue proposed by any type of initiative petition must be composed of five members. The governor, attorney general, president of the senate, and speaker of the house

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of representatives shall each appoint one member, and the fifth member must be appointed by the first four members. All members must be known to favor rejection of the issue.

(6) A person may not be required to serve on any committee under this section, and the person making an appointment must have written acceptance of appointment from the appointee. If an appointment is not made by the required time, the committee members that have been appointed may fill the vacancy by unanimous written consent up until the deadline for filing the arguments.

13-27-403. Appointment to committee. (1) Except as provided in subsection (2), appointments to committees advocating approval or rejection of an act referred to the people, ■ constitutional amendment proposed by the legislature, or a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition must be made no later than 1 week prior to the deadline for filing arguments on the ballot issue under 13-27-406.

(2) Appointments to committees advocating approval or rejection of a ballot measure referred to the people by referendum petition or proposed by any type of initiative petition must be made no later than 1 week before the deadline for filing arguments on the ballot issue under 13-27-406. All persons responsible for appointing members to the committee shall submit to the secretary of state the names and addresses of the appointees no later than the date set by this subsection. The submission must include the written acceptance of appointment from each appointee required by section 13-27-402(6). If an appointment is not made by the required time, the committee members that have been appointed may fill the vacancy by unanimous written consent up until the deadline for filing the arguments.

(3) Within 5 days after receiving notice under subsection (2), but not later than 5 days after the deadline set for appointment of committee members, the secretary of state shall notify the appointees to a committee appointed pursuant to subsection (1) or (2) by certified mail, with return receipt requested, of the deadlines for submission of the committee's arguments.

13-27-404. Committee chairman. The appointee of the president of the senate is the chairman of any committee to which that officer makes an appointment. The appointing authority for other committees shall name a chairman at the time the appointments are made.

13-27-405. Committee expenses. Each committee is entitled to receive funds for the preparation of arguments and expenses of members not to exceed \$100 for a three-member committee and \$200 for a five-member committee. Itemized claims for actual expenses incurred, approved by ■ majority of the committee, shall be submitted to the secretary of state for payment from funds appropriated for that purpose.

13-27-406. Limitation on length of argument -- time of filing. An argument advocating approval or rejection of a ballot issue is limited to a single 7 1/2-inch by 10-inch page and must be filed, in ■ black-and-white, camera-ready format, with the secretary of state no later than 105 days before the election at which the issue will be voted on by the people. A majority of the committee responsible for preparation shall approve and sign each argument filed. Separate signed letters of approval of an argument may be filed with the secretary of state by members of a committee if necessary to meet the filing deadline.

13-27-407. Rebuttal arguments. The secretary of state shall provide copies of the arguments advocating approval or rejection of a ballot issue to the members of the adversary committee no later than 1 day following the filing of both the approval and rejection arguments for the issue. The committees may prepare rebuttal arguments no longer than one-half the size of the arguments under 13-27-406 that must be filed, in [sic] a black-and-white, camera-ready format, with the secretary of state no later than 10 days after the deadline for filing the original arguments. Discussion in the rebuttal argument must be confined to the subject matter raised in the argument being rebutted. The rebuttal argument must be approved and signed by ■ majority of the

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committee responsible for its preparation. Separate signed letters of approval may be submitted in the same manner as for the original arguments.

13-27-408. Rejection of improper arguments. The secretary of state shall reject, with the approval of the attorney general, an argument or other matter held to contain obscene, vulgar, profane, scandalous, libelous, or defamatory matter; any language that in any way incites, counsels, promotes, or advocates hatred, abuse, violence, or hostility toward, or that tends to cast ridicule or shame upon, a group of persons by reason of race, color, religion, or sex; or any matter not allowed to be sent through the mail. Such arguments may not be filed or printed in the voter information pamphlet.

13-27-409. Liability for contents of argument. Nothing in this chapter relieves an author of any argument from civil or criminal responsibility for statements contained in an argument printed in the voter information pamphlet.

13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 110 days before the election at which they will be submitted. The requisition must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to each voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 45 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The mailing must take place no later than 2 weeks before the election.

(5) Ten copies of the voter information pamphlet must be available at each precinct for use by any voter wishing to read the explanatory information and complete text before voting on the ballot issues.

Part 5

Election Procedure

13-27-501. Secretary of state to certify ballot form -- abbreviated ballot. (1) The secretary of state shall furnish to the official of each county responsible for preparation and printing of the ballots, at the same time as he certifies the names of the persons who are candidates for offices to be filled at the election, a certified copy of the form in which each ballot issue to be voted on by the people at that election is to appear on the ballot.

(2) Except as provided in subsection (4), the secretary of state shall list for each issue:

(a) the number;

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- (b) the method of placement on the ballot;
- (c) the title;
- (d) the attorney general's explanatory statement if applicable;
- (e) the fiscal statement if applicable; and
- (f) the statements of the implication of a vote for or against the issue that are to be placed beside the diagram for marking the ballot.

(3) When required to do so, the secretary of state shall use for each ballot issue the title of the legislative act or legislative constitutional proposal or the title provided by the attorney general or district court. Following the number of the ballot issue, the secretary of state, when required to do so, shall include one of the following statements to identify why the issue has been placed on the ballot:

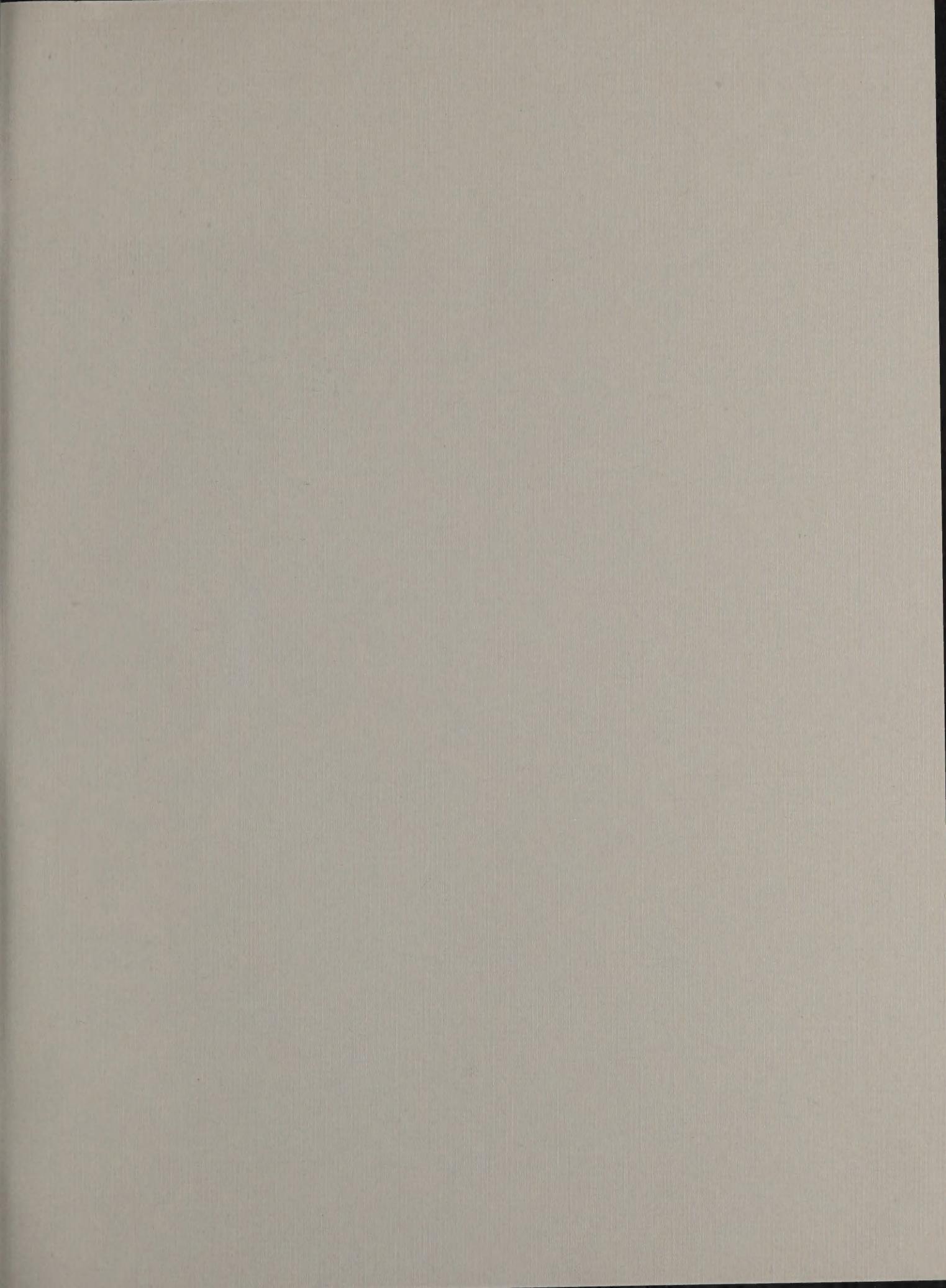
- (a) an act referred by the legislature;
- (b) an amendment to the constitution proposed by the legislature;
- (c) an act of the legislature referred by referendum petition; or
- (d) a law or constitutional amendment proposed by initiative petition.

(4) The county election administrator may, at least 14 days prior to the deadline for ballot certification by the secretary of state, request in writing that he be furnished an abbreviated form of the certified ballot. The secretary of state shall furnish to all counties from which he has received such a request a certified ballot containing only the information in subsections (2)(a), (2)(e), and (2)(f). If the county election administrator requests that the abbreviated ballot be prepared, copies of the information contained in subsections (2)(a) through (2)(f) must be distributed to each elector by an election judge as the elector enters the polling place.

13-27-502. Preparation of ballots by county officials. Each of the county officials responsible for the preparation and printing of the ballots shall print the ballot issues on the official ballot in the form and order in which the issues have been certified by the secretary of state. All ballot issues shall be placed on the official ballot prescribed by 13-12-207, 13-12-212, and 13-17-206 unless specific written approval by the secretary of state for placing the ballot issues on a separate ballot is received by the official responsible for printing the ballot. The secretary of state may issue such approval only when the number of issues to be voted on at an election makes it impractical to print the entire ballot, including the ballot issues, on the official ballot as prescribed by 13-12-207, 13-12-212, and 13-17-206.

13-27-503. Determination of result of election. The votes on ballot issues shall be counted, canvassed, and returned by the regular boards of judges, clerks, and officers as votes for candidates are counted, canvassed, and returned. The abstract of votes on ballot issues shall be prepared and returned to the secretary of state in the manner provided by 13-15-501 for abstract of votes for state officers. The board of state canvassers shall proceed within 20 days after the election at which such ballot issues are voted upon and, at the same time as the votes for state officers are canvassed, canvass the votes given for each ballot issue. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in his office a statement of the canvass, giving the number and title of each issue, the whole number of votes cast in the state for and against each ballot issue, and the effective date of each ballot issue approved by a majority of those voting on the issue. The secretary of state shall transmit a certified copy of the statement of the canvass to the governor.

13-27-504. Copy of approved issues to be sent to Legislative Services. The secretary of state shall send a certified copy of all ballot issues which have been approved by a majority of those voting on the issue and a copy of the statement of the canvass to the executive director of the Legislative Services at the same time he transmits a certified copy of the statement of the canvass to the governor.



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